

NO. 25024

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee,

vs.

RICHARD NEUBERGER, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE FIFTH CIRCUIT
(NO. 992993K)

ORDER DENYING MOTION TO STAY OR DISMISS APPEAL

(By: Levinson, J.)

Upon consideration of appellant's "Motion to Stay Appeal or in the Alternative to Dismiss without Prejudice," the papers in support and the record, it appears that appellant seeks a stay or dismissal of his appeal on the ground that the appeal is premature because judgment has not been entered by the district court. However, the record on appeal contains a certified copy of the district court's March 21, 2002 calendar setting forth appellant's conviction and sentence for HRS § 291-7, which constitutes entry of judgment. See HRPP 32(c)(2) ("A judgment of conviction in the district court shall set forth the disposition of the proceedings and the same shall be entered on the record of the court. The notation of the judgment by the clerk on the calendar constitutes the entry of the judgment."). Therefore,

IT IS HEREBY ORDERED that the motion to stay or dismiss
appeal is denied.

DATED: Honolulu, Hawai'i, July 3, 2002.

STEVEN H. LEVINSON
Associate Justice

Michael Jay Green
for defendant-appellant
on the motion